

DATE: July 5, 1995

BQC-95-028

TO: Nursing Homes
Facilities for the Developmentally Disabled

NH 18
FDD 10

FROM: Judy Fryback, Director
Bureau of Quality Compliance

SUBJECT: Citing of State Violations and Federal Deficiencies on Separate Statements of Deficiency -
Statewide

Since January 1, 1995, we have piloted the citing of state violations and federal deficiencies on separate Statements of Deficiency in the Eau Claire/Western Regional Office (refer to BQC Memo #94-078). We have found that this procedure allows us to more clearly link a fact situation to a state violation and/or federal deficiency. In addition, by having separate documents for state and federal deficiencies, it is much easier to track Statements of Deficiency through the informal dispute resolution and appeal processes.

Based on the success of the pilot project, effective July 1, 1995, we will begin using separate Statements of Deficiency for state and federal deficiencies statewide. Surveyors will cite federal tags on one Statement of Deficiency, with an assigned serial number.

Federal citations for facilities for the developmentally disabled will require plans of correction which meet the same criteria which we have utilized in the past. Page 7 January 1, 1995 revision B. Redbook Content of the Plan of Correction

- ! What the facility will do to correct the citation and ensure continued compliance in the future.
- ! How correction will be accomplished and monitored.
- ! Who will implement the plan and monitor for future compliance.
- ! When correction will be completed.

Federal and state citations for skilled nursing facilities will require a plan of correction meeting the criteria set forth in the 6/95 Long Term Care State Operations Manual as follows:

- ! How corrective action will be accomplished for those deficiencies found to have been affected by the deficient practice.
- ! How the facility will identify other residents having the potential to be affected by the same deficient practice.
- ! What measures will be put into place or the systemic changes made to ensure that the deficient practice will not recur.
- ! How the facility will monitor its corrective actions to ensure that the deficient practice is being corrected and will not recur, i.e., what program(s) will be put into place to monitor the continued effectiveness of the systemic change(s).

! An allegation of compliance can be the plan of correction, if so indicated on the plan of correction.

All applicable state codes (HSS 132 or HSS 134) will be cited on another Statement of Deficiency, with a different serial number. Except for state correction orders and notations, plans of correction will then be required for each state code citation in accordance with Chapter 50.

These requirements for acceptable plans of correction supersedes any and all previous BQC memos or federal program letters relating to this issue.

If you have any questions regarding the implementation of this new process, please contact your Regional Field Operations Director.

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